

UNITED STATES OF AMERICA
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

First-Class Mail and Periodicals
Service Standard Changes, 2021

Docket No. N2021-1

PRESIDING OFFICER'S RULING DENYING REQUEST TO
WITHDRAW PRESIDING OFFICER'S RULING NO. 3

(Issued May 12, 2021)

On May 7, 2021, the Commission appointed the undersigned as the Presiding Officer in Docket No. N2021-1.¹ The Commission tasked the Presiding Officer with managing the procedures in Docket No. N2021-1, including resolving discovery disputes. Order No. 5888 at 1-2.

On May 3, 2021, intervenor Douglas F. Carlson propounded the following interrogatory (labelled DFC/USPS-T3-3) on Postal Service witness Stephen B. Hagenstein:²

Please provide quarterly service performance scores for the nation, as distinct from individual districts, from 1998 to the present.

¹ Order Designating Presiding Officer, May 7, 2021 (Order No. 5888).

² See Douglas F. Carlson Interrogatories and Requests for Production of Documents to United States Postal Service Witness Stephen B. Hagenstein (DFC/USPS-T3-1–12), May 3, 2021.

On May 6, 2021, the Postal Service moved to be excused from answering the interrogatory.³ The Postal Service responds that the interrogatory requests information is burdensome to produce and beyond the scope of this proceeding and, therefore, not relevant to evaluate the Postal Service's proposed service changes for First-Class Mail and Periodicals. Motion at 1-2.

On May 10, 2021, the Presiding Officer granted the Postal Service's Motion, finding that quarterly service performance results since 1998 are well beyond the scope of the information the Commission would consider in this docket.⁴ However, the Presiding Officer found that some analysis of historical service performance would be relevant to the proceeding and took official notice of the Postal Service's quarterly service reports already filed with the Commission, as they pertain to First-Class Mail and Periodicals.

On May 10, 2021, after the POR No. 3 was issued, Mr. Carlson filed an answer in opposition to the Motion.⁵ He asserts that participants in this proceeding "need to analyze whether service performance increased after the Postal Service implemented a similar change in 2000 and 2001, under justifications similar to the ones advanced in this proceeding." Answer at 2. He explains that "[i]n 2000 and 2001, the Postal Service changed First-Class Mail service standards to limit the two-day delivery area to the range of surface transportation." *Id.* He states that the data requested will allow for analysis "before the Postal Service possibly repeats the same mistakes from two decades ago." *Id.* Thus, he requests that the Presiding Officer withdraw his ruling.⁶

³ Motion of the United States Postal Service to be Excused from Responding to Douglas F. Carlson's Interrogatory DFC/USPS-T3-3, May 6, 2021 (Motion).

⁴ Presiding Officer's Ruling Excusing Postal Service from Answering DFC/USPS-T3-3, May 10, 2021 (POR No. 3).

⁵ Douglas F. Carlson Answer in Opposition to Postal Service Motions to be Excused from Responding to Interrogatories DFC/USPS-T1-15 and DFC/USPS-T3-3, May 10, 2021 (Answer).

⁶ *Id.* Mr. Carlson requests that the Presiding Officer withdraw POR No. 3 because it was issued before the deadline to answer the Motion expired. The Presiding Officer considers Mr. Carlson's responses in this ruling.

The Presiding Officer finds these arguments unpersuasive. How the Postal Service's service performance scores changed at a nationwide level 20 years ago are not relevant to this proceeding because the network and processing are significantly different (for example, changes in processing, types of transportation, critical entry times). In addition, the calculation of service performance and service performance scores have changed, and the mechanisms used to compute those scores have changed. Moreover, the quarterly reports incorporated into the record, per POR No. 3, include sufficient historical data that are more relevant to the shape of the current processing and transportation networks, and therefore the Postal Service's ability to enact its proposal as set forth in its filings.

Therefore, Mr. Carlson's request to withdraw POR No. 3 is denied, and the Postal Service remains excused from answering interrogatory DFC/USPS-T3-3.

RULING

1. The request to withdraw Presiding Officer's Ruling No. N2021-1/3, as found in Douglas F. Carlson Answer in Opposition to Postal Service Motions to be Excused from Responding to Interrogatories DFC/USPS-T1-15 and DFC/USPS-T3-3, filed May 10, 2021, is denied.
2. The Postal Service remains excused from answering interrogatory DFC/USPS-T3-3.

Christopher Laver
Presiding Officer